IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 23405 of 2004**

Between:

Pollampally Sambha Reddy, S/o. Malla Reddy,
R/o. Chapala Bhanda, Duggondi Mandal, Narsampet
Taluk, District Warangal.

**..... PETITIONER**

AND

1 The District Collector, Warangal District.
2 The Revenue Divisional Officer, Narsampet, District Warangal.
3 The Revenue Divisional Officer, Duggondi Mandal, Narsampet Taluk, District Warangal.
4 The Divisional Inspector, RWS Narsampet.
5 Raja Mouli, S/o. Not Known,
R/o. Sairampally, Mandal Duggondi, District Warangal.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an Order, Direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the official Respondents herein in undertaking the construction of new well within the prohibited distance to the well owned by the Petitioner as illegal, arbitrary, contrary to the Provisions of the A.P. Water, Land and Trees Act, 2002 and the rules made there under, high handed, without any sanction of law and violative of Principles of Natural Justice and Fundamental Rights guaranteed under the Constitution of India and consequently direct the Respondents to drop proposal for construction of new well within the prohibited distance.

**For the Petitioner: MR. P. PURUSHOTHAM REDDY, Advocate**

**For the Respondent Nos.1 to 4: GP FOR REVENUE**

**For the Respondent No.5: --**

**The Court at the stage of admission made the following:**

**ORDER:**

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioner filed this writ petition challenging the action of the official respondent Nos.1 to 4 in digging open well through 5th respondent-contractor violating the provisions of the A.P. Water, Land and Trees Act, 2002 within the prohibited distance to the well owned by the petitioner. He states that this Court by order dated 23-11-2004 in W.P. No.21392 of 2004, directed the first respondent-District Collector, Warangal to consider and dispose of his representation, dated 19-11-2004 within a period of one week. His grievance is that in spite of receiving the said order in the first respondent's office on 27-11-2004, no action has been taken, and on the other hand the official respondents are permitting the 5th respondent for digging of Well. Hence, the present writ petition.

When the matter came up before this Court on 20-12-2004, this Court passed an order directing the 5th respondent not to take up any construction work and also directing the Mandal Revenue Officer, Narsampet to appear before this Court today and explain the reasons for not complying the orders passed by this Court in W.P. No.21392 of 2004, dated 23-11-2004.

When the matter came up today, the learned Government Pleader for Revenue produced the remarks submitted by the first respondent-District Collector in the form of a letter, dated 24-12-2004, wherein it is stated by the first respondent that the wire order of this Court in W.P. No.21392 of 2004, dated 23-11-2004 was delivered in the Collectorate on 27-11-2004, but the said fact was not brought to his notice, and today only he came to know of it, and he is calling for the explanation of the concerned who failed to bring the order to his notice. It is also stated that he is issuing notice to the petitioner as well as the 5th respondent to dispose of the matter on 30-12-2004, and meanwhile the Executive Engineer, RWS, Warangal and Mandal Revenue Officer, Duggondi already stopped the work on 06-12-2004. He seeks time up to

31-12-2004 to pass final orders on the representation made by the petitioner, dated 19-11-2004, in compliance of the order of this Court, dated 23-11-2004 in W.P. No.21392 of 2004.

In the circumstances, recording the above submissions of the first respondent, the writ petition is disposed of with a direction to the first respondent-District Collector, Warangal District to consider and dispose of the representation, dated 19-11-2004 submitted by the petitioner in accordance with law, expeditiously. No costs.

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**N.V. RAMANA, J**

**Date: 27-12-2004**

Svv

To

1 The District Collector, Warangal District.
2 The Revenue Divisional Officer, Narsampet, District Warangal.
3 The Revenue Divisional Officer, Duggondi Mandal, Narsampet Taluk, District, Warangal.
4 The Divisional Inspector, RWS Narsampet

5 Two C.Cs to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT).

6 Two C.D. copies.